

L A W O F F I C E
ROBERT S. FRANKLIN, P.A.

Robert S. Franklin
Admitted Florida, New York

March 31, 2008

Honorable Lewis A. Kaplan, U.S.D.J.
U.S. District Court, Southern District of New York
United States Courthouse
500 Pearl Street, Room 1310
New York, New York 10007

Re: Mathieson v. DeNiro
Docket No. 1:07-cv-08527-LAK
Our File No. 437005.1

JOINT REQUEST FOR TEMPORARY STAY OF DISCOVERY

Dear Judge Kaplan:

This letter is respectfully submitted jointly by counsel for both parties to request a further stay of discovery in view of unanticipated delays in the completion of an appraisal report concerning the business entity involved in this lawsuit, a real estate brokerage known as J.C. DeNiro & Associates, LLC ("JCD"), by Joan Lipton of Lazar, Lipton Valuation Services. We previously requested a stay with corresponding adjustments to the scheduling order on January 4, 2008 which was granted.

Since that time extensive financial materials have been forwarded to the business appraiser, both parties, with counsel, have met with the appraiser and received and responded to numerous follow-up requests from the appraiser for records and information. Unfortunately, the appraiser and counsel underestimated the scope and complexity of the task at hand, which involves voluminous real estate business records and presents valuation issues concerning different contractual arrangements relating to hundreds of different units of property. The original date for completion of the business evaluation could not be met by the appraiser and additional time, until April 11, will be needed.

Both parties still believe that there is a substantial possibility that the Lipton appraisal will enable the parties to resolve the issues in this case without the need for further judicial intervention. Accordingly, a temporary stay of discovery should help facilitate meaningful settlement discussions and help the parties to avoid incurring unnecessary legal expenses if this matter can be amicably resolved.

823 North Olive Avenue, West Palm Beach, FL 33401
Phone (561) 805-7140 Fax (561) 805-7141
e-mail: rfranklin49@bellsouth.net

The parties propose to extend the deadline for discovery to July 11, 2008. By July 11, 2008, the parties will complete written discovery, serve expert reports and complete any fact or expert depositions. In addition, if acceptable to Your Honor, the parties propose to extend the date for submission of the pretrial order to July 25, 2008.

A proposed Second Amended Consent Scheduling Order is submitted herewith. We respectfully request that Your Honor execute the proposed Amended Consent Scheduling Order. In the event Your Honor is not so inclined, we would respectfully request a telephone conference with Your Honor concerning the issues raised herein.

David J. Reich, Esq., counsel for Plaintiff, consents to the entry of the proposed Amended Consent Scheduling Order and joins in this request for a temporary stay.

Thank you for your attention and consideration.

Respectfully yours,

/s /Robert S. Franklin

Robert S. Franklin

Enclosure